

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2738 of 2006

DATED: 14-02-2006

Between:

Smt. Reddy Ammaji,
W/o. Appa Rao ...Petitioner

And

The District Collector,
Visakhapatnam,
Visakhapatnam District and
Two others ...Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2738 of 2006

ORDER:

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The present writ petition is filed by the petitioner seeking to declare the action of the respondents in trying to evict her from the land in an extent of Ac.3.72 cents in Survey No.153/1 of Kommadi Village, Visakhapatnam Rural Mandal, Visakhapatnam District without issuing any notice to her, as arbitrary and illegal.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

Petitioner submits that 'D' form patta was granted in her favour in the year 1971 by the then Tahsildar of the Visakhapatnam, in respect of Ac.3.72 cents in Survey No.153/1 of Kommadi village, Visakhapatnam Rural Mandal, Visakhapatnam District for agricultural purpose. It is stated that from the date of such allotment, the petitioner is in continuous possession and enjoyment of the same by cultivating personally by raising dry crops along with seasonal crops. It is further stated that in the year 1984 also she planted eucalyptus trees and other casual trees in the said land. On 07-08-1998, when some unknown persons cut the trees, she gave a report to the police on 08-08-1998. Basing on her report, a case in Cr.No.220 of 1998 was registered by the Station House Officer, Bhimunipatnam Police Station. It is stated that in the year 1980, the Special Tahsildar, ROR Taluk office issued a Ryotuwari patta in favour of the petitioner and entered her name in 10(1) adangal on 13-06-1980. On 05-11-2005, the Mandal Revenue Officer, Visakhapatnam (2nd respondent herein) passed orders in his proceedings Rc.No.480/2004, declaring that the said land in Survey No.153/1 was in continuous possession and enjoyment of the petitioner since 1971, and the same was intimated by him to the 1st respondent. It is stated that, on 07-02-2006, respondents 2 and 3 along with staff visited the agricultural land of the petitioner and informed her that the lands in and around of Visakhapatnam City shall be resumed for the purpose of establishing greater Visakhapatnam and the respondents without taking any recourse are threatening to dispossess her from the land even though she has not violated any conditions of the 'D' form patta. Even if there are any contraventions, without giving any notice, the land cannot be resumed as the petitioner is in long standing possession of more than 30 years.

Having regard to the facts and circumstances of the case, I am of the opinion that the respondents cannot dispossess the petitioner without following due process of law.

Writ petition is accordingly disposed of directing the respondents not to dispossess the petitioner from the land in her possession without following due process of law. No order as to costs.

V. ESWARAIAH, J.

Dated: 14-02-2006.

RNS